

## Minutes of the Public Safety Committee Meeting – September 30, 2019

**Members Present:** Phil Wedekind and Tom Kolb, and Mike Plautz. **Others Present:** Tom Pinion, Administrator Geick, Mayor Palm, Police Chief Mark Schauf, Fire Chief Kevin Stieve, Attorney Emily Truman, Wade Peterson, Tony Gilman, Peter Vedro, Brandon Beard, Brad Allen, and Kris Jackson.

**Call to Order** - Committee Chairman Phil Wedekind called the meeting to order at 1:00 P.M. at Baraboo City Service Center. Compliance with the Open Meeting Law was noted. Wedekind requested that Item h, the request of Brandon Beard be moved to the beginning of the agenda. It was moved by Kolb, seconded by Plautz to approve the agenda with the requested change. Motion carried unanimously. It was moved by Plautz, seconded by Kolb to approve the minutes of the August 23, 2019 meeting. Motion carried unanimously. He said he does not understand why, ordinance states asphalt, concrete, or some other dust-free material. He said that crushed asphalt is track-free, dust-free material. Beard presented a sample of crushed asphalt to the Committee, and asked what was wrong with it as far as being dust-free. He said that he is trying to use a recycled product that goes along with the ordinance and someone is telling him he cannot use it. Kolb said that Beard contacted him and he told him he was unsure of how this material met City standards, he did not know if it was impervious or acceptable. Kolb said since this time Pinion took him to Beard's property and they looked at it together. Pinion said that Beard attended the July PSC meeting and wanted the City to help him solve his drainage problem.

### New Business

- a. Review property owner's proposal to improve drainage from his property at 611 5<sup>th</sup> Street – Brandon Beard addressed the Committee saying that he is trying to get more of the water out of his yard and he cannot get answers from Tom Pinion and would like to get something done by fall. He said that he could not lower his yard to match the City sidewalk. He said that he was denied having crushed asphalt being put in his driveway. He said he was trying to figure out why. He said that the ordinance does not state that it cannot be done; he feels that the ordinance states that it can be done. He said that the ordinance states that paved asphalt, concrete, or some other track-free, dust-free material. He said that crushed asphalt is track-free, dust-free material. Beard presented a sample of crushed asphalt to the Committee saying that this was in fact dust-free. He said he is trying to use a recycled product that goes along with the ordinance, but someone is telling him he cannot use it. Kolb said that Beard called him and he told him that he was unsure how this met City standards. He said he did not know whether it was impervious or acceptable. He said, since that time, Pinion took him to Beard's property to look at it. Pinion said at the July meeting Beard attended and wanted to City to participate in helping solve his drainage problem, something that the City does not ordinarily do on private property. He said at the Committee's direction and in an effort to try to solve that we agreed to lower the sidewalk, as long as it would provide improved drainage. He said that he spent a fair amount of time there surveying to try to determine whether the \$1200 that the City was thinking about spending would in fact solve the problem. Pinion gave a detailed presentation saying that is a total of 150 feet from street to alley. He said that drainage could be provided through here, but only if Beard's driveway is regraded. He presented the Committee with two different proposals to regrade the driveway in an effort to improvement drainage as much as they could on private property and still shed the water the way Beard hoped it would. He said he met with Beard on September 19 and that point it seemed apparent that they were at an impasse. Beard was asking him to make sure the sidewalk was lowered and Pinion told him that it would not be lowered until he sent him a detailed description of what his was proposing to do to help solve the problem and a schedule. Beard then asked if he could put the driveway in something other than a paved surface, he told him no because the ordinance requires a paved surface, which is either concrete, or asphalt. He then asked about crushed asphalt and he was told that this has not event been allowed on any other driveway in the City. Pinion said that the ordinance when it comes to the surface of the driveway is pretty clear, unless some other material is approved by the City Engineer, and he is not about to approve anything other than what has been approved in the past and set a new precedence. He said that if any property owner is unsatisfied with that City Engineer's determination there is an appeal process in that ordinance. He said that ordinance states that the appeal needs to presented to the PSC within 10 days of the time that the decision was made. Today is day 11; nothing was received formally in writing. Pinion said that Beard did put together something for the Mayor in an email; however, he was not specific in appealing anything, so he is not sure if Beard has grounds to request any material other than a paved surface. Pinion said the water drains to the low spot in Beard's yard, so the yard could be raised by hauling in dirt and landscape to get it out toward the driveway; however, the driveway has to be regarded in order to get it to the lowered sidewalk. He said that there is no question that the driveway needs to be regraded, which causes the need for a paved surface on that portion of it. Pinion said that he suggested that if the City were going to invest \$1200 that drain tile would solve the problem without anything else except for the regarding of the driveway. He said that when he met with Beard on the 19<sup>th</sup>, and said if the off-site water in really the issue, then there is a way to solve that without messing with the driveway or the sidewalk, and that would be to put a very subtle berm along the alley where the ground is lower than the alley where Beard alleges that it comes in. Beard then read the appeals process from the Ordinance to the Council saying that anyone wanting to appeal had to do so within 10 days to the Council. Beard then explained to the Committee what his existing driveway was and said that if he cannot put the crushed asphalt in then he would still like to get the sidewalk

lowered so that he can get the water out because it comes and puddles in the middle of his yard. He said he can adjust the grass line in between that, next to it; however to meet up to the sidewalk. He said it is not the problem of if he has to do this or not, he still needs to get the water out so he will adjust his yard to get it out if needed. He said he wanted to get this done before winter to avoid mud in his yard. Plautz asked Pinion why the crushed asphalt was not allowed, and he answered that it is not a paved surface. Beard asked why. Pinion said the ordinance reads, under workmanship, all driveway entrances, approaches, parking areas should be paved. Entrances and approach paving shall be in accordance with requirements for sidewalk construction, which means concrete. Parking areas shall be paved with concrete, asphalt, (not crushed asphalt), or some other dust-free, track-free surface, approved in advance by the City Engineer. He said this requirement shall apply to new driveway construction, and driveways substantially removed and replaced after August 2009. Plautz asked Truman that if Beard was appealing, he could not appeal to the Committee. Truman stated that she is a little behind with this issue and has not read the Mayor's email, so procedurally she cannot say where the City is at with this. Kolb asked Beard if the email to the Mayor was an appeal, and he answered kind of. The Mayor stated that he received the email 24 hours out of a 3-1/2 hour surgery, and was not in any position to make any type of decisions. Pinion read the beginning of 8.09, Driveways to put everything in context. Therefore, the appeal to the Council is to grant a driveway permit. He said a driveway permit is not needed to rebuild a driveway, so the appeal process, if one was denied; it is not to determine whether the driveway permit should be granted. He said that it is confusing and he does not think that anyone can appeal the decision of the City Engineer or Public Safety Committee whether or a certain material is acceptable. Kolb asked if the City is going to go along with the decision that we lower the sidewalk then Beard has to comply with the statutes. Pinion said that if he is just going to just regrade the surface of his yard, because if he does not do the portion of driveway between the back of his house and the sidewalk, water is not going to get out of there. Pinion said that he has to regrade the driveway to get it out of the yard, and that is a substantial alteration and what requires a paved surface, which is why Beard does not want to do it. Pinion said that it is expensive and he understands that. He said lowering the sidewalk, and only the sidewalk does nothing to improve drainage. Beard said that if he does not adjust his driveway but adjusts his yard to meet up to it, how is that not a problem. He said he isn't even talking about the black top at this point, he is just trying to get the water out of his yard, he doesn't want to a drain tile because he can't put gravel in his driveway which is required for drain tile like Pinion was stating, it is obviously going to freeze up. He said there is not enough angle to get a drain tile to flow decently in the wintertime, and he will be back in at the same point as now. He said that there are eight properties that flood his yard from all three sides. Kolb said that Pinion said a berm could be built, Beard said that would block the other side of the alley, and only get a portion of the water. Beard said that the sidewalk was approved to be dropped; he is just trying to get it dropped so he can get his side of it done to meet up to it. Wedekind said it would require blacktop. Beard said if that is what he is made to do; however, he does not see why he cannot just adjust his yard. He said is driveway is two concrete strips. Pinion said that the City would be lowering the sidewalk 9 inches, so if that is the concrete tire tracks Beard is talking about he will not get over it, so something has to be done. Kolb asked Pinion about drain tile, Pinion said it isn't fool-proof; however, it is going to work 90-95% of the time, there is 2-1/2 feet of bury, frost will go down 4-feet in a road, but typically does not go down 4-feet in a yard. Beard said that the grass in between him could funnel it out 8 inches. Pinion said that when he asked Beard to send him a detailed description of what he was going to do, he never said that he was going to regrade the yard. Beard said that he told Pinion. Pinion said that he asked Beard to following up in an email and tell him what he was going to do. Pinion said that without and detailed description and a schedule of who is doing it and when, Beard said he was doing it; he is waiting. Beard asked if he could at least get the sidewalk dropped as approved before. He said there were no attachments to it before, but now Pinion is coming up with more things for it. Wedekind feels a detailed description of what is being done is needed. Pinion said that maybe an agreement is needed so it is clear what each party is responsible is. Wedekind stated if Beard gets a detailed agreement to the City Engineer, and he approves it, the issue should not have to come before the Committee again. Beard asked about the blacktop. Gilman said that it is a granular material, crushed asphalt like this is not track-free, and it still contains oil. Beard said the City might want to change their ruling on this; everyone is going to recycled materials. Truman suggested to make a motion to allow the City Engineer to enter into negotiations with Beard, and if the City Engineer is comfortable with it and gives approval. If the Engineer and Beard does not agree then we are back to where it is now, but Beard will have to follow the appeals process. It was moved by Kolb, seconded by Plautz to allow the City Engineer to enter into an agreement with Brandon Beard. Motion carried unanimously.

- b. Declare existing tin building at 314 Depot Street to be Surplus Property and authorize its sale via an online auction – Gilman presented the background to the Committee. It was moved by Kolb, seconded by Plautz to declare the building at 314 Depot Street Surplus Property and authorize its sale via on online auction. Motion carried unanimously.
- c. Consideration of proposed revision to §25.10(i)(4) of the Baraboo Municipal Code pertaining to Bond Amounts for Animal at Large violations – Truman presented the background for this issue. It was moved by Kolb, seconded by Plautz to recommend the proposed revisions to §25.10(i)(4) to Council as presented. Motion carried unanimously.

- d. Consider extending Landfill Monitoring Contract with MSA through 2022 – Pinion presented the background. He said MSA has been doing this for a number of years. It was moved by Plautz, seconded by Kolb to renew the Contract with MSA through 2022. Motion carried unanimously.
- e. Review and prioritize list of prospective Street Improvement Projects for 2020/2021– Pinion said that at this time the Capital Plan shows \$750, 00 as a placeholder for the near future on an annual basis. He said if we do that through general obligation bonds, there is a hefty bond issuance cost. He said we borrow money for street improvements there is a three-year window to spend it in. Pinion said that there are two impending grant opportunities for road projects. He then gave a detailed description of those grants to the Committee. Pinion said he would like the Committee to prioritize the streets they would like to see done. Canepa Street would be brand new curb and gutter and would be assessed. Pinion said that all other streets would be street reconstruction, not new street. Pinion said it would be new curb and gutter along the cemetery on Madison. Kolb said his list included Mound Street, 13<sup>th</sup> Avenue, and Elizabeth Street, westerly half being the worst, and then Tuttle Street a close 2<sup>nd</sup>. Pinion felt that Draper, Elizabeth, and Madison would be good candidates for the impending grants. Pinion said that he would put the streets in a tentative list in rough order for budget and a final decision can be made at budget time.
- f. Review and prioritize list of Alley Projects for 2020 – Pinion presented the list of prospective alley candidates. He said the alley between Elizabeth & Camp that was just dedicated to the City is a one according to Pacer rating. Pinion will put the prospective alleys in a tentative list for budget and a final decision can be made at that time.
- g. Review prospective Sidewalk Projects for 2020 – Pinion said new sidewalk is assessed and there is a limited amount in that account for assessable projects and we depleted that with the amount of new sidewalk on Lake Street and the one block on Elizabeth. He said that 13<sup>th</sup> and Tuttle Street would come out of that fund, but they would be done in conjunction with the roadway. It was Kolb and Wedekind's preference to do the small infill projects. Wedekind would like to include Remington, from 2<sup>nd</sup> to 4<sup>th</sup>.
- h. Discussion and possible recommendation to establish a local vehicle registration fee as an alternative revenue source to fund future street improvements – Pinion said that Council gave Staff a directive to initiate the process of creating a local vehicle registration fee as well as a streetlight utility. He said the local registration fee is for the Committee's consideration today, and next month the streetlight utility will be included with some of that background. He said it has not changed much from two or three years ago when it was updated. The potential there is approximately \$250,000,000, and if the City chooses to initiate it, it will not start being collected until 90 thereafter; therefore if it started January 1, we would only collect ¾ of the \$250,000,000. Kolb was hoping to be presented with all three proposals, vehicle registration, streetlight utility, and premier resort tax. Geick said that it would take 1 or 2 years to put the premiere resort tax together just for research and everything. Pinion said that this requires state legislation action. Plautz would have also liked to have all three proposals at once. Attorney Truman said that because a recommendation concerning the vehicle registration fee is the only item on the agenda, talking about anything beyond that, other than maybe making a motion to postpone this a month is outside of the scope that is on the agenda. Plautz presented comments from his constituents regarding wheel tax. He went on to say that, everything seems to be hitting at the same time, wheel tax, library expansion, school expansion, etc. Plautz said that more funds would be generated from a resort tax rather than a wheel tax. Wedekind feels the City is responsible for the streets, not townships, etc. Kolb feels that this is more appropriate discussion for the Council, they asked the City to come up with information about the registration fee tax, he thinks it should be discussed with the full Council, not just the three members here. Kolb moved that this be moved to City Council without a positive recommendation. Wedekind seconded the motion. Plautz asked Geick if this a clearer picture could be given on resort tax at Council. Geick said that would not give him enough time, and Truman said that this would be outside the scope of the actual motion, making a motion to recommend on anything else is contrary to that. Motion carried 2 to 1, Plautz voting no.

### **Informational Items**

- a. Discuss revising Section 7.09(3)(f)(1) of the Traffic Code to convert the 8-hour parking stalls on the south side of 4<sup>th</sup> Avenue between Broadway and Birch Street to 2-hour stalls – Truman said that Peter Bebbler was in attendance on behalf of the County and they asked that this be postponed one month because they would like to participate in the discussion. It was the consensus to postpone for one month.
- b. Discussion of the creation of an ordinance prohibiting fishing from bridges within the City limits – Kolb said that if the City was looking at making the river a recreational area, would it be dangerous to be throwing hooks and such over the bridge. Schauf said based on the question asked the first question is safety versus pedestrian standing on the side of roadway. If

there were a sidewalk that a person could be standing on, that would preclude any of the other safety issues, there is not a sidewalk on one portion of the bridge on Manchester, which could be a safety issue. The second portion of that is fishing hooks over the bridge with recreational. He said previously the City of Wisconsin Dells had an issue with their backwaters where all their City boat docks are, and the problem was that the fishing line was getting wrapped around propellers and causing damage to the boats. He reached out to the DNR to see if there were any other places having problem, but he has not heard back from them. It was the consensus to postpone this discussion until more data is obtained.

- c. Discuss the need for Public Safety Committee's review of Special Event Permits for recurring annual events that contain no changes from the prior year's event – Truman said that the City updated their Special Ordinance about one year ago; however, one thing that did not change in the ordinance was the need for road closures to come to Public Safety for approval, however, there was some confusion about whether or not if it was an identical event from the years past, literally no other changes whether or not the Committee would want to review it and give approval, or whether the Committee would want it to be handled at the staff level. Wedekind and Plautz said that they would want to review them. Pinion asked if they wanted to review all of them, he said that the two Faire On The Square events have not been to the Committee in the nine years that his has been here. He said he feels that the questions came from Foo Fest, that is the third consecutive year, and it did not change from last year. It was the consensus if there are no changes from previous years to direct staff to make changes to the effect in the ordinance.

### **Reports**

- a. Utility Superintendent's Report – Peterson said number one goal is to wrap up the budget. Both water and sewer budget have some large expenditures. He said there would be no water increase. He said he is working to put something together on the sewer side, an increase will be seen. It was stated that the budgeted will be presented at Council the 2<sup>nd</sup> meeting in October, and it will go to Public Hearing the last meeting in November.
- b. Street Superintendent's Report – Gilman said the department is winding down on storm sewers and other repairs. He said all alleys are completed; 4<sup>th</sup> Street parking lot was paved last week. He said that the department is in the 60-70% complete on catch basins; however, he has not tallied them up yet.
- c. Police Chief's Report – Schauf said his department is also working on budget. He said the Department had an incident over the weekend involving a gun, unfortunately he feels that is the kind of stuff that will be seen coming into the future.
- d. Fire Chief's Report – Stieve said the hiring process, they had seven applicants, six of them completed the physical ability test and all passed; four passed interview process, one being hired now. He said one applicant is still being considered, she is on a neighboring department, and another applicant is on hold as she completes other things in life. He said the Department did a helicopter rescue, along with Wisconsin National Guard at Devil's Lake over the weekend. He said last evening they received a call for a structure fire on Grove Street, this being the first use of Auto Aid with Delton, and the process worked great. Stieve gave accommodation to Brad Allen of the Baraboo News for the story he did on recruitment. He said that there are five student in the High School Academy. Stieve said that he is working on budget and looking at possibly renting out part of the 135 4<sup>th</sup> Street building. He said that he is working with Public Works Department working in the basement of the 4<sup>th</sup> Street building.

**AJOURNMENT** – It was moved by Kolb, seconded by Plautz to adjourn at 2:31 p.m. Motion carried.

Respectfully submitted,

Phil Wedekind, Chairman